

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DUSTY L. BARTON,

Plaintiff(s),

No. C 07-1484 PJH

v.

**ORDER OF DISMISSAL**

BANK OF AMERICA, et al.,

Defendant(s).


The parties having filed a notice of settlement and request to vacate all pretrial dates,

IT IS HEREBY ORDERED that this case is dismissed **without** prejudice; however, if any party hereto shall certify to this court, with proof of service of a copy thereof to the opposing party, within sixty (60) days from the date of this order, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this case shall forthwith be restored to the court's calendar to be set for trial.

The parties may substitute a dismissal **with** prejudice simply by submitting a stipulation and order for dismissal with prejudice within sixty (60) days.

IT IS SO ORDERED.

Dated: August 23, 2007

  
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PHYLLIS J. HAMILTON  
United States District Judge